

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460



OFFICE OF AIR AND RADIATION

[REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Dear [REDACTED]:

EPA has finalized its review of your appeal to the November 16, 2015 determination that [REDACTED] [REDACTED] would be disqualified from ENERGY STAR and determined that [REDACTED] [REDACTED] will be disqualified. EPA denied [REDACTED] initial April 20, 2015 dispute in which it asserted that the product was damaged during shipment and/or during storage or handling at the test lab. The certification body (NFRC) affirmed that no damage to the unit, either from shipment or lab storage, was visually detectable. NFRC's visual inspection of the unit was consistent with [REDACTED] [REDACTED] own stated inspection before shipment: no visual damage existed. As a result, NFRC did not notify [REDACTED] of damage prior to testing, as would be required under NFRC 713 NFRC Independent Verification Program Laboratory Guidelines, had damage been detected.

EPA subsequently considered your [REDACTED] appeal in which you asserted that [REDACTED] [REDACTED] [REDACTED] In its case review, EPA conducted an additional technical review, met with NFRC staff, [REDACTED] [REDACTED] and did not find a basis for reversing the disqualification.

On [REDACTED] NFRC formally submitted to EPA a testing failure report for [REDACTED] [REDACTED] that initiated the disqualification process for this product. Since that time, NFRC has confirmed that no lab or testing error occurred, and that the test report accurately reflects testing performed on the unit. EPA does consider additional testing when a lab error or testing irregularity has occurred, that negates or casts doubt as to the validity of the initial verification testing. In this case, neither the lab nor the NFRC indicate that an error occurred, nor did [REDACTED] provide evidence to support a claim that it did. With respect to ENERGY STAR, NFRC did no [REDACTED]

[REDACTED] [REDACTED] With respect to ENERGY STAR, irrespective of ancillary product testing, failed verification testing results remain relevant for certified products [REDACTED]

[REDACTED] On this basis, EPA is proceeding with disqualification of [REDACTED] [REDACTED]

Organizations responsible for ENERGY STAR products that are disqualified through ENERGY STAR verification testing are required to submit confirmation of product control measures ("PCM") taken to control the sale, distribution and promotion of the affected units in the marketplace.

██████████ submittal of PCM is due by ██████████, and should be made using the standard Partner Response Form ("PRF") available at [www.energystar.gov/prfnd](http://www.energystar.gov/prfnd). Upon review of ██████████ proposed PCM, EPA will notify ██████████ whether they are acceptable. If ██████████ seeks to deviate from the proposed PCM, it must notify EPA prior to doing so.

Please submit ██████████ completed PRF and any supporting documentation to [enforcement@energystar.gov](mailto:enforcement@energystar.gov). **All communication regarding this notice must include the appropriate case number (██████████) in the subject line.**

As the ENERGY STAR name and logo are registered marks belonging to the U.S. government, EPA must ensure they are used correctly to protect the integrity of the program they represent. Any partner that uses the name and/or logo improperly and fails to take product control measures per EPA's request may be subject to termination of its ENERGY STAR Partnership Agreement, and referred to EPA's Office of General Counsel.

Thank you for your prompt attention to this matter and your continued support of the ENERGY STAR program.

Sincerely,

A handwritten signature in black ink, appearing to read "Ann Bailey".

Ann Bailey, Chief  
ENERGY STAR Labeling Branch  
U.S. Environmental Protection Agency